

Resolution No.: 15-1050
Introduced: June 14, 2005
Adopted: June 21, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No, 500403, Stringtown Road Extended Improvements

In Accordance with Article III, Section 40A, Maryland Constitution and
Section 49-50, Montgomery County Code 2004, as 2004, amended.

BACKGROUND

- I. The Council has been requested to authorize the condemnation for the portion of land necessary for improvement of Stringtown Road in accordance with Section 49-50 of the Montgomery County Code, as amended.
1. Stringtown Road is currently a two lane arterial road running between Frederick Road (Maryland Route 355) and Kings Valley Road. The subject project will extend Stringtown Road from Frederick Road to the I270 ramp for Maryland Route 121. This road will be a four lane divided closed section arterial highway with two lanes in each direction.
 2. The construction of Stringtown Road Extended was authorized by Executive Order No. 79-04, dated April 21, 2004.
 3. Construction needs to take place in order to provide sufficient road capacity for the development provided for in the Clarksburg Master Plan. It is needed to provide road capacity for housing developments currently being constructed.

RIGHT OF WAY IN SQUARE FEET

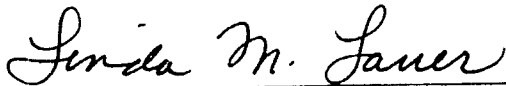
<u>TAX ACCT. NO.</u>	<u>LIBER/ FOLIO</u>	<u>PROPERTY OWNERS</u>	<u>FEE SIMPLE</u>	<u>PUBLIC UTILITY EASEMENT</u>	<u>TEMPORARY EASEMENT</u>
21695	27132/681	Victor J. Peeke	13,919 s.f.	1,446 s.f.	5,495 s.f.
21673	27132/681	Victor J. Peeke	9,649 s.f.	925 s.f.	11,212 s.f.
21707	18730/651	Farm Development	23,126 s.f.	3,168 s.f.	7,150 s.f.

4. There is an immediate need to acquire easements and a portion of the properties for the construction of Stringtown Road Extended.

ACTION

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portion of land needed for the construction of Stringtown Road Extended Improvements in accordance with Section 49-50 Montgomery County Code, 2004, as amended effective upon the following conditions:
 1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 2. Jamel M. Boussouf, Ph.D., Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the properties.
- II. Montgomery County may take immediate possession of the property described above, upon payment into Court of the fair market value of the property as determined by the County's appraiser. The county reserves the right to abandon this proceeding at any time prior to such payment into Court.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the real property interests.

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

Attachment – Description



MONTGOMERY COUNTY EXECUTIVE ORDER COPY

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Stringtown Road Extended – Authorizaton for Construction C.I.P. Project No.500403	Executive Order No. 79-04	Subject Suffix SR
Originating Department PUBLIC WORKS AND TRANSPORTATION	Department Number 50	Effective Date 4/21/04

1. Pursuant to Section 49-54 of the Montgomery County Code (1994 Edition as amended) the County Executive hereby finds that public interest requires construction of a certain public way located in the Clarksburg Master Plan & Hyattstown Special Study Area, within the Second Election District, and the Director of the Department of Public Works and Transportation is hereby authorized, as such time as the necessary right of way has been acquired, to proceed with the construction of:
 - The extension of Stringtown Road westward from the existing Stringtown Road where it intersects Frederick Road (MD 355) to the I-270 ramp for Maryland Route 121, a distance of approximately 2400 feet. This road will be a four lane divided closed section arterial highway with two lanes in each direction. It will consist of a 120-foot right-of-way including a 5-foot sidewalk on the south side of the road, an 8-foot bikepath on the north side of the road, street lighting, appropriate auxiliary lanes, traffic signals provided at intersections with MD 355 and Gateway Center Drive, and street trees along the outside of the sidewalk and bikepath.
 - Enclosed storm drainage systems with necessary storm water management and water quality facilities.
2. Plans showing the proposed work, along with other project related data, are available for examination in the offices of the Department of Public Works and Transportation on the 11th floor of the Executive Office Building, 101 Monroe Street, Rockville, Maryland. The phone number is 240-777-7220.
3. A Public Hearing was held on this project at 3:00 p.m. on October 22, 2003, in the lobby level auditorium of the Executive Office Building at 101 Monroe Street in Rockville, Maryland, 20850.



MONTGOMERY COUNTY EXECUTIVE ORDER

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4. The County Executive proposed that the total cost of the project, to be determined by final accounting after construction has been completed, shall be distributed in the approximate amounts as follows:

\$ 1,600,000.00 Cost to be assessed from the Development District.

\$ 1,905,000.00 Cost from the Impact Tax

\$ 512,000.00 Cost from Development Approval Payment (DAP) Plan

\$ 4,813,000.00 Costs not otherwise incurred, to be borne by Montgomery County

\$ 8,830,000.00 Total estimated cost of this project, including engineering, land acquisition, site improvements, construction and utility relocation costs

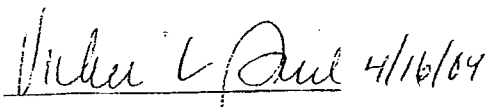
5. Expenditures authorized by this Order, plus expenditures accrued to date for this project, shall not exceed \$8,830,000.00 and payable from funds appropriated for C.I.P. Project No. 500403

Copy to: County Executive File
Secretary of Council
Director of Finance (2)

APPROVED


Assistant Chief Administrative Officer

Approved as to form and legality
Office of the County Attorney

By  4/16/04

